

**§ 3500.9 Consent and consultation.**

**§ 3500.9-1 Federal lands administered by agencies outside of the Department of the Interior.**

(a) Unless consent is required by law, public domain lands, the surface of which is administered by an agency outside of the Department of the Interior, shall be permitted or leased only after the Bureau of Land Management has consulted with the surface management agency.

(b) Acquired lands shall only be permitted or leased with the written consent of the head or other appropriate official of the surface management agency.

(c) An applicant may pursue the administrative remedies provided by a particular surface management agency where such agency has required special stipulations in the lease or permit, or has refused consent to issuance of the lease or permit. If the applicant notifies the authorized officer within 30 days of receipt of the Bureau's decision that he/she has requested the surface management agency to reconsider its decision, the time for filing an appeal under part 4 of this title is suspended until a decision is reached by such agency.

**§ 3500.9-2 State's or charitable organization's ownership of surface overlying Federally-owned minerals.**

Where the United States has conveyed title to, or otherwise transferred the control of the surface of lands to any State or political subdivision, agency or instrumentality thereof, or a college or any other educational corporation or association, or a charitable or religious corporation or association, such party shall be given written notification by certified mail of the application for permit or lease and shall be given a reasonable time, not to exceed 90 days, within which to suggest any lease stipulations deemed necessary for the protection of existing surface improvements or uses, to set forth the facts supporting the necessity of the stipulations or file any objections it may have to the issuance of the lease or permit. Where a party controlling the surface opposes the issuance of a lease or permit or wishes to place such

restrictive stipulations, but the facts submitted in opposition to issuance or concerning the necessity for restrictive stipulations expressed by the party controlling the surface do not provide adequate basis for such action, the final decision as to whether to issue the lease or permit shall be based on a determination by the authorized officer as to whether or not the interests of the United States would best be served thereby.

**§ 3500.9-3 Management of Federal minerals from reserved mineral estates.**

Where nonmineral public land disposal statutes provide in conveyances of title that all or certain minerals shall be reserved to the United States together with the right to prospect for, mine and remove the minerals under applicable law and such regulations as the Secretary may prescribe, the lease, sale or disposal and administration and management of the use of such minerals shall be accomplished under the regulations of Subchapter C of this title. Such mineral estates include, but are not limited to, those that have been or will be reserved under the authorities of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*), the Small Tract Act of June 1, 1938, as amended (43 U.S.C. 682(b)) and the Federal Land Policy and Management Act of 1969 (43 U.S.C. 1701 *et seq.*).

**Subpart 3501—Descriptions and Acreage**

**§ 3501.1 Land descriptions.**

**§ 3501.1-1 Public domain.**

Each application shall contain a complete and accurate description of the lands for which the lease or permit is desired. The lands applied for shall be in reasonably compact form.

(a) If the lands have been surveyed under the public land rectangular system, each application shall describe the lands by legal subdivision, section, township and range. Generally, a quarter-quarter section or a lot is the smallest legal subdivision for which an application may be made.

(b) When protracted surveys have been approved and the effective date